

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE PHARMACEUTICAL INDUSTRY)	MDL No. 1456
AVERAGE WHOLESALE PRICE)	
LITIGATION)	Master File No. 01-cv-12257-PBS
)	
)	Subcategory No. 06-11337-PBS
)	Civil Action No. 08-cv-10852
THIS DOCUMENT RELATES TO:)	
<i>United States of America ex rel. Ven-A-</i>)	Judge Patti B. Saris
<i>Care of the Florida Keys, Inc., by and</i>)	
<i>through its principal officers and</i>)	
<i>directors, Zachary T. Bentley and T. Mark</i>)	
<i>Jones v. Actavis Mid Atlantic LLC, et al.</i>)	
)	

**JOINT NOTICE OF SETTLEMENT OF VEN-A-CARE CLAIMS AS TO THE
SANDOZ PARTIES AND REQUEST THAT COURT DISMISS SETTLED CLAIMS IN
ACCORDANCE WITH STIPULATION OF DISMISSAL WITH PREJUDICE OF
SANDOZ PARTIES AND MOTION FOR ORDER OF DISMISSAL WITH PREJUDICE**

Ven-A-Care of the Florida Keys, Inc. (the “Relator”) and SANDOZ INC. f/k/a GENEVA PHARMACEUTICALS, INC. (“Sandoz”) hereby notify the Court that they have reached a comprehensive settlement, of all matters between them, in the above action under the *qui tam* provisions of the federal False Claims Act, 31 U.S.C. § 3729, *et seq.* The Relator and Sandoz have filed herewith their Stipulation of Dismissal with Prejudice attached to which are copies of the fully executed Settlement Agreement and Release (attached to the Stipulation as **Exhibit A**) and the proposed Order of Dismissal With Prejudice (attached to the Stipulation as **Exhibit B**). The Relator and Sandoz jointly request that the Court consent to the dismissal pursuant to 31 U.S.C. §3730(b) (1) and enter the proposed Order of Dismissal With Prejudice and further state as follows:

1. The Settlement also encompasses settlements of the Relator's companion state *qui tam* claims relating to Florida and California.

2. Florida and California have joined in the Settlement and the United States has given its written consent which is attached hereto as **Exhibit 1**. The Relator has been instructed by the United States to file its executed consent with the Court as provided for in the Settlement Agreement. Pursuant to the Settlement, the parties will file a stipulation of dismissal with the state court in the companion Florida case and will file their Stipulation of Dismissal With Prejudice of Claims Against Sandoz Parties and Motion for Order of Dismissal with Prejudice with this Court in the companion California case which is also pending in MDL 1456; *California ex rel Ven-A-Care v. Abbott, et al*; Civil Action Number 03-11226-PBS.

Wherefore, the Relator and Sandoz request that the Court consent to the settlement and dismissal and enter the Order of Dismissal With Prejudice in accordance with the parties' Stipulation filed herewith.

Respectfully submitted,

/s/ James J. Breen
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CERTIFICATE OF SERVICE

I hereby certify that true and accurate copies of the foregoing document, filed this 16th day of November, 2011 via the Court's ECF system, will be served today on all counsel of record via electronic service pursuant to Paragraph 11 of Case Management Order No. 2 by sending a copy to LexisNexis File & Serve for posting and notification to all parties.

/s/ James J. Breen
JAMES J. BREEN